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Atty. Docket No. 3501-1036

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kari KIRJAVAIVEN

Confirmation No. 1450

Serial No. 09/647,739

GROUP 1732

Filed October 4, 2000

Examiner Allan R. Kuhns

METHOD AND APPARATUS FOR MAKING  
PLASTIC FILM, AND PLASTIC FILM

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the lack of unity determination set forth in the Official Action of December 30, 2002, applicant hereby elects Group I, claims 1-13, drawn to a method and apparatus for producing a plastic film, with traverse.

The requirement is believed to be improper, however, and should not be repeated for the following reasons:

The Official Action suggests that the inventions identified in connection with Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2 they lack the same or corresponding special technical features.

In support of this, the Official Action states that the claims of Group I of the present application lack the special technical feature of a film comprising bubbles having a maximum diameter of 100 micrometers, a maximum height of about 10

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micrometers and a foaming degree being over 70% as found in Group II. While this assertion appears correct, PCT Rules 13.1 and 13.2 do not support the reasoning behind the restriction requirement.

Specifically, the language of PCT Rule 13.2 states that there is "a technical relationship among those inventions involving one or more of the same or corresponding special technical features". Accordingly, there is a requirement for a relationship between one or more special technical feature, not every special technical feature. To comply with PCT Rules 13.1 and 13.2 and fulfill the requirement of unity of invention, the independent claims must have at least one common special technical feature. As long as the one common special technical feature is present, additional special technical features can exist that the claims do not share in common.

Applicant believes that independent claims 1 and 14 have at least one common special technical feature. Specifically, cavitation bubbles are formed in the plastic film to be stretched due to the influence of the material, and the plastic film is subjected to stretching and pressure of pressurized gas simultaneously with stretching so that the bubbles contain the gas.

The above-noted common special technical feature is believed sufficient to indicate unity of invention and the

additional special technical feature noted in the Official Action is not believed necessary for a showing of unity of invention.

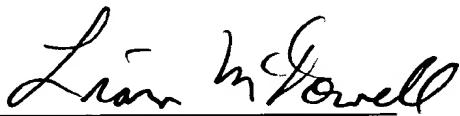
In addition as previously noted in the response of October 11, 2002, the International Search Report (Form PCT/ISA/210) clearly indicates that the International Examiner considered all of claims 1-17 in the International application, and made no indication that there existed any lack of unity of invention between claims 1-13 and 14-17 in such application. The conclusion of unity of invention reached by the International Examiner is no less pertinent with respect to claims 1-17.

In light of the above discussion, it is believed that the determination of lack of unity set forth in the Official Action of December 30, 2002, is improper and must be withdrawn. An action on the merits of all claims now in the application is therefore respectfully requested.

Respectfully submitted,

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